

## Document 26

round programs for children and adults in the Lemont area. IDOT completely fails to discuss the impact that interchange traffic will have on this school and community center and the ability of parents and children to access these facilities. Additionally, while the SFEIS includes a discussion of land use and development trends, it neglects to address the extent to which plans link directly to I-355 South, such as plans for development around the I-355 interchanges.

### D. The SFEIS Unlawfully Fails to Estimate The Ozone-Related Impacts of The Tollroad Alternative.

- 4.28 During the litigation over the initial EIS, IDOT and FHWA argued to the United States District Court that they should not be required to estimate the ozone-related air quality impacts of the proposed tollroad, and were instead permitted to rely upon the regional conformity analysis. The District Court clearly rejected that argument when it ruled that "defendants must either prepare a study the explicitly compares ozone production with and without the tollroad or explain why a study is not possible." *Sierra Club, III, Chapter v U.S. Dept. of Transportation*, 962 F.Supp.1037-1045 (N.D.Ill. 1997), in spite of that clear ruling the SFEIS contains no comparative estimate of the ozone-related impact of the tollroad and other alternatives. Such an analysis could readily be performed by running the VNT-by-Speed class outputs of the alternative modeling through a standard emissions model.

### E. IDOT's Secondary And Cumulative Impacts Analysis Ignores Planned Development Linked Directly To The I-355 South Extension

- 4.42 As with the rest of its environmental analysis, IDOT erroneously analyzes only the secondary and cumulative impacts associated with the I-355 South Extension. Thus, IDOT makes no attempt to determine if another alternative would lead to different secondary and cumulative impacts in the Project corridor. Of equal importance, IDOT marches through this analysis in the most conclusory fashion possible.

- 4.44 IDOT relies throughout this section on the same circular reasoning found in its analysis of the need to achieve local land use planning goals. Because "the Preferred Alternative is in harmony with existing plans," IDOT concludes that the secondary and cumulative impacts will be manageable. (SFEIS at 4-43.) According to IDOT, I-355 South will have a beneficial influence on development patterns. However, IDOT arrives at this conclusion without considering the planned development that is linked directly to I-355 South. For example, although it finds that I-355 South will not stimulate uncontrolled growth, IDOT fails even to mention an interchange development plan approved by the Village of New Lenox. This plan calls for transforming open space into millions of square feet of commercial, light industrial and office use, along with 1,754 new residential units, all of which the Village predicts will lead to 192,000 vehicles per day traveling on local roads around the development. (See New Lenox Sub-Area Development Plan, Attachment G.) The absence of significant development plans, like the New Lenox plan, from IDOT's study completely undermines its determination

17

## Document 26

that the secondary and cumulative impacts of the highway will be "limited and controllable." (SFEIS at 4-35.)<sup>4</sup>

### V. IDOT'S CONCLUSORY AND MISLEADING REVIEW OF SECTION 4(f) DOES NOT SATISFY THE LAW

Section 4(f) of the Department of Transportation Act protects important natural and historic lands from use for transportation projects. The law specifically states, "It is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges and historic sites." 49 U.S.C. § 303(a). Here, although IDOT actually purports to consider and compare the impacts to Section 4(f) properties resulting from each of the alternatives in the SFEIS, its analysis is flawed and misleading. IDOT's cursory review of impacts to Section 4(f) properties falls far short of satisfying the requirements of this law.

In considering the impacts to Section 4(f) properties from the various alternatives, IDOT assumes that each alternative affects the property that it touches to the same extent. For example, IDOT notes that the Spring Creek Preserve/Greenway would be crossed by the Lemont Bypass, Enhanced Arterial and I-355 South Alternatives. Despite the very significant size difference between the six-lane I-355 tollway and the four-lane Lemont Bypass and Enhanced Arterial, IDOT utterly fails to address the different direct impacts that these alternatives would have on the Spring Creek Preserve/Greenway. Instead, IDOT simply sets forth a list of the 4(f) sites encountered by each alternative, without offering any analysis of the extent of the impact that each alternative would have on the particular property. Moreover, the list itself is completely misleading. The I-355 South extension follows the same right-of-way through the Des Plaines River Valley used by the Lemont Bypass yet the list indicates that the Lemont Bypass impacts a greater number of 4(f) sites. IDOT clearly seeks to avoid the genuine, complete review of the 4(f) impacts that the law requires.

### VI. THE PUBLIC INVOLVEMENT PROCESS HAS BEEN INADEQUATE

- 6.2 At the outset of the SFEIS process, the Commentors met with IDOT to discuss various issues, including public involvement. At that meeting, IDOT promised to share interim products and to hold interim public meetings to allow public input at crucial stages of planning, including the selection of alternatives. Although IDOT did share with Commentors its DRAM/EMPAL analysis and offer us an opportunity to discuss it with IDOT consultants, IDOT otherwise shut the public out of its process, in spite of our requests. IDOT refused to share the text of its critical Purpose and Need statement despite multiple requests (See Attachment F), IDOT held no interim meetings for the general public, and IDOT selected and analyzed its alternatives without notice or any opportunity for public input. Moreover, the Commentors extraordinary
- 6.3

<sup>4</sup> IDOT also concludes that "the Preferred Alternative would eliminate many scattered work trips to areas outside the six-county region and to the job-scarce areas of south Cook County and the south side of the City of Chicago, with resulting economic benefits." (SFEIS at 4-43.) Given IDOT's findings that the net employment growth produced by I-355 is expected to amount to only 0.1 percent and that this growth has, to a large extent, already taken place (See SFEIS at 4-42), it is not clear how the new highway could eliminate scattered work trips and result in economic benefits.

18

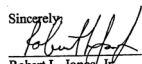
## Document 26

effort to contribute to the SFEIS process by offering a comprehensive and detailed alternative has been completely rebuffed, to the point that IDOT does not even acknowledge in the SFEIS that such an alternative was offered. This pattern of shunning public involvement is surely contrary to the spirit, if not the letter, of NEPA regulations.


### CONCLUSION

Much work remains to be done before the draft SFEIS can be deemed sufficient under federal law. The Commentors stand ready to contribute in any way they can to the development of a more satisfactory study.

Sincerely,

  
Robert L. Jones, Jr.  
Staff Counsel  
Business and Professional People  
for the Public Interest

cc: Mr. Ron Moses  
Mr. Jon Paul Kohler  
Mr. Mike MacMullen  
Mr. Richard Christopher  
Mr. Randy Blankenhorn

  
Ann M. Spillane  
Senior Attorney  
Environmental Law & Policy Center

19